

Plumas Grazing Allotment Webber's Ivesia Exclosure

Decision Record

DOI-BLM-NV-C020-2015-0033-CX

February 2016



Introduction

There is a population of the threatened plant, Webber's ivesia (*Ivesia webberi*) in the southwest corner of the east pasture of the Plumas Station Grazing Allotment (Allotment). A fence would protect this area from damage from cattle, off-highway vehicles (OHVs) and wildlife. The proposal is to install an approximately 3,400 foot protective fence for the threatened plant. The fence would tie into the existing Allotment boundary fence at both ends.

The Webber's ivesia was listed as threatened on the Endangered Species Act in 2014 and critical habitat was designated in four locations in the Carson City District. In Nevada, one occurrence is north of Reno, one occurrence is in Washoe County near the California border, and one occurrence is in Douglas County. In California, one occurrence is in Plumas County near the Nevada border. This plant has very specific soil requirements including a shallow shrink-swell clay soil with a gravel surface layer over volcanic, generally andesitic bedrock, on mid-elevation benches and flats. There are approximately 242 acres of designated critical habitat in the Carson City District.

Specifications and Requirements:

Fence Specifications. The fence would be a 4-wire "Cattle with Antelope Fence" whose design would draw on both the wildlife and engineering specifications as authorized by BLM Fencing Handbook H-1741-1 p IV-1 which references "Fences" USDI/USDA and BLM's Engineering Standard Drawings (see attached drawing Barbed Wire Fence Nevada (4-wire x 16 ½ feet) NV02834-(53)).

- The fence would comply with the Barbed Wire Fence Nevada (4-wire x 16 ½ feet) NV02834-(53) specifications with the following wire spacing exceptions;
- Bottom wire (smooth) would be 18 inches from the ground (antelope and fawns);
- At least 12 inches between the top two wires (deer);
- Total height would be no more than 42 inches, preferably 40 inches (deer); and
- Other wire spacings are to be determined, with rationale provided, and would be based on the Engineering Guide Specifications and Engineering Standard Drawings.

Public Involvement

This project was reviewed by an BLM interdisciplinary team on June 29, 2015 in order to protect this threatened plant.

Land Use Conformance

This action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001), reference and page number citation:

Implementation Level Decisions, SSS-3. "Use fencing, emergency OHV closure, no disposal of public lands, minerals' coordination, or any other legal means necessary to protect identified T/E plant populations."

Authority

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976.

Listed Species

On February 2, 2016 the BLM concluded informal consultation with the U.S. Fish and Wildlife Service, which concurred in the BLM's determination that the Project is "not likely to adversely affect the Webber's ivesia or its critical habitat."

Rationale

The purpose of the enclosure fencing is to protect a plant that is listed under the Endangered Species Act.

Decision


Bryant D. Smith *ACTING FOL*
Acting Field Manager
Sierra Front Field Office

2/3/2016

date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Bryant D. Smith
Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.